

AMENDED IN SENATE MAY 24, 2000

AMENDED IN SENATE MAY 2, 2000

AMENDED IN SENATE APRIL 24, 2000

**SENATE BILL**

**No. 1491**

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**Introduced by Senator Leslie  
(Coauthor: Senator Johnston)**

(Coauthors: Assembly Members Bock, Cox, House,  
Longville, Pescetti, and Zettel)

February 11, 2000

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An act to amend Sections 1202, 7604, and 7678 of the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1491, as amended, Leslie. Railroad crossings: automated warning devices.

Existing law requires that an audible warning device be sounded from a locomotive engine at least 1320 feet before the intersection of the railroad and a street, road, or highway with certain exceptions. Existing law imposes a civil fine on a railroad corporation that violates this provision and makes it a misdemeanor for a person in charge of a locomotive engine to fail to sound the warning. Existing law also provides the Public Utilities Commission with exclusive power to regulate the location, maintenance, and operation of railroad and street railroad crossings.

This bill would eliminate the requirement that the warning device on the locomotive engine be sounded when

approaching a railroad crossing that has a permanent audible warning device that automatically sounds as the locomotive engine approaches the railroad crossing. This bill would also authorize the commission to authorize *on an application by application basis* and supervise the operation of pilot projects to evaluate proposed crossing warning devices or new technology. The bill would make related declarations and findings.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1202 of the Public Utilities Code  
2 is amended to read:

3 1202. The commission has the exclusive power:

4 (a) To determine and prescribe the manner, including  
5 the particular point of crossing, and the terms of  
6 installation, operation, maintenance, use, and protection  
7 of each crossing of one railroad by another railroad or  
8 street railroad, and of a street railroad by a railroad, and  
9 of each crossing of a public or publicly used road or  
10 highway by a railroad or street railroad, and of a street by  
11 a railroad or of a railroad by a street.

12 (b) To alter, relocate, or abolish by physical closing any  
13 crossing set forth in subdivision (a).

14 (c) To require, where in its judgment it would be  
15 practicable, a separation of grades at any crossing  
16 established and to prescribe the terms upon which the  
17 separation shall be made and the proportions in which the  
18 expense of the construction, alteration, relocation, or  
19 abolition of crossings or the separation of grades shall be  
20 divided between the railroad or street railroad  
21 corporations affected or between these corporations and  
22 the state, county, city, or other political subdivision  
23 affected.

24 (d) (1) To authorize *on an application by application*  
25 *basis* and supervise the operation of pilot projects to



1 evaluate proposed crossing warning devices or new  
2 technology at designated crossings, with the consent of  
3 the local jurisdiction, the affected railroad, and other  
4 interested parties, including, but not limited to,  
5 represented railroad employees.

6 (2) (A) The Legislature finds and declares that for the  
7 communities of the state that are traversed by railroads,  
8 there is a growing need to mitigate train horn noise  
9 without compromising the safety of the public.  
10 Therefore, it is the intent of the Legislature that the  
11 ~~commission authorize pilot projects in at least the~~  
12 *commission may authorize pilot projects, after an*  
13 *application is filed and approved by the commission in at*  
14 *least the* communities of Roseville and Lathrop to test the  
15 utility and safety of stationary, automated audible  
16 warning devices as an alternative to trains having to  
17 sound their horns as they approach highway-rail  
18 crossings.

19 (B) In light of the pending proposed ruling by the  
20 Federal Railroad Administration on the use of locomotive  
21 horns at all highway-rail crossings across the nation, it  
22 would be in the best interest of the state for the  
23 commission to expedite the pilot projects in order to  
24 contribute data to the federal rulemaking process  
25 regarding the possible inclusion of stationary, automated  
26 warning devices as a safety measure option to the  
27 proposed federal rule.

28 SEC. 2. Section 7604 of the Public Utilities Code is  
29 amended to read:

30 7604. (a) A bell, of at least 20 pounds weight or of  
31 equivalent sound-producing capability, shall be placed on  
32 each locomotive engine, and shall be rung at a distance  
33 of at least 1,320 feet from the place where the railroad  
34 crosses any street, road, or highway, and be kept ringing  
35 until it has crossed the street, road, or highway; or a steam  
36 whistle, air siren, or an air whistle shall be attached, and  
37 be sounded at the like distance, and be kept sounding at  
38 intervals until it has crossed the street, road, or highway,  
39 except as follows:

(1) In a city, the ringing of the bell or the sounding of the steam whistle, air siren, or air whistle shall be at the discretion of the operator of the locomotive engine.

(2) When a locomotive engine is engaged in a switching operation or comes to a stop at any point within a distance of 1,320 feet from the place at which the railroad crosses any street, road, or highway, it shall not be necessary that the bell be rung or the whistle, air siren, or air whistle be sounded, until the time and from the place that the locomotive begins an uninterrupted movement to and across the place at which the railroad crosses the street, road, or highway.

(3) (A) The ringing of the bell or the sounding of the steam whistle, air siren, or air whistle is not required when approaching a railroad crossing that has a permanently installed audible warning device authorized by the commission that sounds automatically when an approaching train is at least 1,320 feet from the place where the railroad crosses any street, road, or highway, and that keeps sounding until the lead locomotive has crossed the street, road, or highway.

(B) The operator of the locomotive may ring the bell or sound the steam whistle, air siren, or air whistle at crossings equipped as set forth in subparagraph (A).

(b) Any railroad corporation violating this section shall be subject to a penalty of one hundred dollars (\$100) for every violation. The penalty may be recovered in an action prosecuted by the district attorney of the proper county, for the use of the state. The corporation is also liable for all damages sustained by any person, and caused by its locomotives, train, or cars, when the provisions of this section are not complied with.

SEC. 3. Section 7678 of the Public Utilities Code is amended to read:

7678. Except as provided in paragraphs (1) to (3), inclusive, of subdivision (a) of Section 7604, every person in charge of a locomotive engine who, before crossing any traveled public way, omits to cause a bell to ring or steam whistle, air siren, or air whistle to sound at the distance of at least 1,320 feet from the crossing, and until the lead

1 locomotive has passed through the crossing, is guilty of a  
2 misdemeanor.

3 SEC. 4. This act is an urgency statute necessary for the  
4 immediate preservation of the public peace, health, or  
5 safety within the meaning of Article IV of the  
6 Constitution and shall go into immediate effect. The facts  
7 constituting the necessity are:

8 In order for the test of the pilot program for stationary,  
9 automated audible warning devices at highway-rail  
10 crossings and the feasibility of that system to be assessed  
11 as soon as possible, it is necessary that this act take effect  
12 immediately.

